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C O N F I D E N T I A L SECTION 01 OF 02 GUATEMALA 000888

SIPDIS

FOR ASSISTANT SECRETARY NORIEGA FROM THE AMBASSADOR

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SUBJECT: IMMIGRATION IN U.S.-GUATEMALAN RELATIONS:
MINUTEMEN ARE POISONING THE WELL

REF: 2004 GUATEMALA 02165

Classified By: AMB JOHN R. HAMILTON, EMBASSY GUATEMALA.
REASON: 1.4 (A) AND (B)

1. This is an action request: See paras 8 and 9.
2. (C) Summary: Supported by civil society and the mainstream media, the Guatemalan community in the U.S. has from the outset of the Berger administration brought acute pressure on the Government of Guatemala to be assertive with us on the community's behalf. For its part, and largely because it has been seeking the impossible (e.g., Temporary Protected Status or TPS), the Berger government is increasingly frustrated by its lack of success. Against this backdrop, and because it is deeply humiliating to Guatemalans, the Minutemen phenomenon in Arizona is making management of this issue immensely difficult. In finally agreeing to vote with us on the Cuba resolution at Geneva, for example, Berger and FM Briz implied that their willingness to support us on issues like this in the future will depend on getting something from us - even if it is a political statement that just recognizes how important the subject is - on immigration. I have some ideas for consideration in paras 8 and 9. End Summary.
3. (C) Immigration has been on the Berger government's agenda with us from day one. It is partly a problem that Berger himself exacerbated, by taking his campaign for the presidency to the Guatemalan community in the U.S. (Guatemalans residing abroad cannot vote, but Berger's thinking was that they would influence votes back home and he was probably right.) He has raised the issue repeatedly with me and has sought to raise it directly with the President - most prominently in a letter of last August that was answered by an instruction to me to give him an oral response. Feeling that he had been thwarted by the Embassy, the Department and NSC from making his case to the President, Berger raised the subject with Governor Bush in a visit to Florida in which he publicly endorsed Miami's candidacy to be the FTA secretariat. He almost certainly would have raised it with Secretary Rumsfeld here March 24 had I not persuaded him in advance that it would be inappropriate to venture so far outside DOD's area of responsibilities.
4. (C) And now comes the Minutemen phenomenon. It is almost impossible to overstate the damage it is doing. The media has been saturated with the subject. Guatemalans feel deeply humiliated by what they have been seeing on TV and hearing on the radio. Even in the midst of the intense coverage given to the Pope's death and funeral, the leading Guatemalan newspapers have editorialized in agonized, offended tones. Op-ed writers of left, right and center are finding in our inability to put a stop to the "hunting" of their co-nationals echoes of U.S. "imperial behavior" of an era long past. No amount of publicity that we might arrange of our support for democracy, human rights, poverty reduction and a dozen other worthy causes we work here day in and day out has punch enough to offset the injury. Guatemalans did note that both the President and the Secretary have disassociated the USG from the Minutemen, but the positive effect has faded as the coverage has continued undiminished.
5. (C) Another element in this mix was the long struggle to get adequate IPR legislation (on data protection) restored and the disruptive protests that the left has organized against CAFTA. Despite what we think is its progressive record on social issues, the Berger government feels vulnerable to the left's persistent harping that it is governing for the benefit of the rich - domestic and foreign (i.e., U.S. transnationals).
6. (C) It thus became difficult to keep government officials on the subject when, even as the smell of tear gas was still in the air and coverage of the Minutemen was grabbing the public's attention, I began to demarche the government on the Cuba resolution. I got somewhat the same reaction when I last raised Congressional ratification of the Article 98 agreement signed last November. On Cuba, and under instructions from Berger, Briz said his government feared adding more fuel to the fire of its conflict with the

domestic left, especially given the appearance of U.S. indifference to Guatemalan concerns. He raised three issues: drugs, military modernization and immigration. My review of what we've done for the Guatemalans lately in the first two areas succeeded more or less in neutralizing them.

17. (C) But it is immigration that bothers the government most and it was this subject to which Briz repeatedly returned, pleading that we give the government "something" to help it manage this issue. Acknowledging that the President's statements on immigration reform at Crawford March 23 were very positive, Briz said no one in Guatemala, however, puts those statements into anything but a U.S.-Mexican context. Briz also lamented (for the umpteenth time) that Guatemala feels aggrieved that El Salvador and Honduras - but not Guatemala - have TPS. I walked Briz yet again through the reasons why TPS for Guatemala could not be justified, which was useful because it led him to comment that even a purely political U.S. statement would be of great help - provided that it came from a high-level Washington official and made specific mention of Guatemala. In finally agreeing to vote yes on the Cuba resolution, Briz reiterated his plea for a public statement on immigration. And in the typically elliptical way that officials on lighter side of an asymmetrical relationship have of expressing themselves, he intimated that his ability to support us on issues like this in the future would depend on how responsive we can be to their concerns on immigration.

8.(C) Comment and action request: I do not think it is wise to let this issue continue to fester and, actually, in seeking a public statement, Guatemala is not asking for all that much. It seems to me that we could find an occasion to make a public statement of the sort Briz is seeking. One venue would be when he visits Washington - in about three weeks time - and has a seventh floor appointment.

19. (C) There are two other possibilities: A) We understand that the inter-agency group on remittances is about to broach its interest in launching a pilot program on remittances with the Guatemalan Government. This will probably be raised by Treasury U/S Taylor directly with Minister of Finance Bonilla at the World Bank/Fund Governors' meeting in Okinawa, Japan, but we could also stage a public rollout when Briz goes to Washington. B) Last year DOL and USDA signed letters of agreement with the Government of Mexico to improve protection of Mexican migrant workers in the U.S. via a joint outreach program with the Mexican embassy and its consulates. At the time (ref), we recommended looking at the possibility of like agreements with Guatemala and the rest of Central America. We repeat that suggestion now.

HAMILTON